

Parker case, 216 Cal. 285, where, at page 297, Mr. Justice Seawell says: "To whom do the licensed dentists employed by the corporation owe their statutory duty, to Painless Parker or to the commercial institutions which pay them, or to the patient assigned them to serve? If they owed their first allegiance to their employer, the corporation, as was held in *People vs. Merchants Protective Corporation*, 189 Cal. 531 (209 Pac. 363), a case involving the duty of an attorney to his client, then they owed but a secondary and divided loyalty to the patient. This was denounced as not within the intendments of the law and practice."

The allegiance owed by a lawyer to his client is one kind of allegiance; that of a dentist to his patient another, and that of a physician or surgeon to his patient still another. Each obligation, in the very nature of things, is different in practice. The Supreme Court, however, invokes the analogy between dentistry and law, and the same may be said with respect to medicine.

In these three situations you have one factor common to all, namely, a commercial corporation—one organized for the purpose of making money for its stockholders—acting as the medium through which legal services, dental services or medical services are furnished to persons with whom it is in privity, by lawyers, dentists and physicians employed by the corporation. It makes no difference whether these professional men are salaried employees or get their compensation by way of a fee; whether they are called agents or independent contractors. The fact remains that they are subject to the orders of the corporation and its officers. It takes no great exercise of the imagination to picture any number of possible conflicts arising between a doctor and a general manager over the treatment of a member-patient.

The form of the application, and the certificates may differ in this case from the form of contracts entered into in the cited cases. However they may differ in language, the object sought to be attained in both cases is in substance and essence the same.

Alarm is expressed by counsel for defendant over the effect that a judgment for plaintiff in this case might have on a number of institutions which for years have existed in this State, and which seems to have had the approval, or at least not the disapproval, of the authorities or the State Board. Reference is made to hospital associations, to medical services furnished to members by fraternal organizations, and to industries and railroads where monthly hospital deductions are made. There is nothing in the record to show how any of these institutions operates, and so no fear is entertained by the writer that the decision of this case can have any influence whatever upon the conduct of these other enterprises. Each case must be decided upon its own facts. I am satisfied that there is no parallel between this and the other cases, as to which alarm is expressed.

It is unnecessary to discuss the authorities from outside this State. Many are cited by both sides, but I am satisfied that the California cases already discussed are controlling.

The plaintiff, in my opinion, is entitled to judgment as prayed.

C. J. GOODELL, Judge.

(Dated) October 15, 1935.

BLACK WIDOW SPIDER POISONING

Additional Discussion

Dr. K. F. Meyer, Director of the Hooper Foundation for Medical Research, University of California, was asked to discuss the paper on "Black Widow Spider Poisoning," printed on page 328 in the November issue of *CALIFORNIA AND WESTERN MEDICINE*. Owing to a serious illness, Doctor Meyer's discussion was written too late to be used in the November number, and is now printed as a special article:

The interesting and timely paper by Dr. Russell N. Gray recalls to the discussor a few reports on spider poisoning which he has seen during the past fifteen or twenty years.

Doctor Hameau probably was the first to describe, in the *Dublin Medical Journal*, Vol. 10, pp. 500-501, 1836, the symptoms produced by the bite of a spider (*Epeira diademata*): "A young girl gleaning in the fields was bitten above the left bosom by a large dark-colored spider. She felt a sharp pain in the part at the time. In a few minutes she became so weak that her limbs sunk under her, and her sufferings were so great that she rolled about on the ground and could not refrain from screaming out. Within an hour the doctor found her drenched with perspiration, her face alternately pale and flushed, her extremities cold, her breathing slow and oppressed, her pulse irregular and very small. She complained of severe pains in the feet, knees, thighs, and back; and as these subsided they fixed themselves in the epigastric region, causing a sense of most distressing oppression and anxiety. The muscles in several parts of the body were in a state of continual oscillation or tremor. Firm compression of the limbs afforded considerable relief to this symptom. The seat of the bite was red and swollen, and a small vesicle filled with a yellowish serum occupied its center. The symptoms were not relieved until three doses of opium had been administered."

Fatal intoxications caused by the so-called "black wolf," *Lathrodectus tredecimguttatus*, have been reported from Russia by Rossikow, Arb. Entomol. Bureau, Vol. 5, No. 2, 1904, Petersburg, Russia. In a series of 349 persons bitten by this spider, eleven died. On the other hand, Houssay (*Arranas venenosas*, Flaiban et Camilloni, p. 36, 1917) and Escomel, Bull. Soc. Path. Exot., Vol. 12, p. 700, 1919, who both describe severe symptoms of poisoning induced by *Lathrodectus mactans*, have never observed the death of a human being following a spider bite. The action of the poison is in part dependent on the location of the bite. The illness is more severe following a bite on the neck than on the foot.

The possibility of immunizing animals by injections of extracts prepared from whole *Lathrodectus erebus* was established as early as 1901 by Kobert. In fact, Schtscherbina (Arb. d. Entomolog. Bureau, Vol. 4, No. 4, 1903, in Russian) has immunized camels by repeated and progressively increasing doses of glycerinated-aqueous extracts of the cephalothorax dissected from the bodies of *Lathrodectus malmignatus*. At the end of one month the animal tolerated thirteen lethal doses of the extract. The serum neutralized the antigen *in vitro*, and it was successfully used therapeutically on poisoned animals, provided it was administered not later than ten to twenty hours after the introduction of the venom. In South America, Houssay and Brazil Vital (Mem. Inst. Butantan. 1925/26, and Brazil Med. 1925/26) have prepared and used specific anti-arachno toxins. More recently Becker and d'Amour in Denver (Proc. Soc. Exp. Biol. and Med., Vol. 32, p. 166, October, 1932), have shown the protective value of rat serum prepared by sublethal doses of less than one-fourth spider when tested intraperitoneally. In view of these observations it is indeed gratifying to note that the large scale preparation of a specific antivenin against the American black spider poison is being considered seriously.

THE ROCKEFELLER FOUNDATION

Programs and Policies

The Rockefeller Foundation expended \$12,679,775 during the year 1934, according to its annual report, which has just been published. In commenting upon the activities of the year, Max Mason, president of the Foundation, said in part:

"The decisions reached during the year 1934 as to program in the immediate future bring increased emphasis on special fields, and on realistic research designed to meet definite and clearly recognized needs.

"The Foundation proposes to continue its traditional work in public health, studying, through its field and laboratory staffs, diseases and the control of diseases in their environments, and giving assistance to governmental activities and to the training of personnel.

"In the field of medical science the major interest will continue to be mental health, and support will be given for research and its applications, as well as for the training of personnel. A secondary interest will be the training of medical students in hygiene and public health. . .

Public Health

Operating on a budget of \$2,200,000 for public health activities, The Rockefeller Foundation in 1934 engaged in field research on yellow fever, malaria, hookworm disease, tuberculosis, undulant fever, yaws, and diphtheria; conducted yellow fever surveys and control campaigns; carried out projects in malaria control, supported numerous demonstrations of complete public health programs;

gave aid to the organization or maintenance of essential services of state and national health departments; and continued its contribution for the training of public health personnel through aid to schools and institutes of hygiene and public health as well as by support of a fellowship program.

As a general result of technical methods, developed in the laboratory, it has become evident that there are two endemic areas of yellow fever in the world. The boundaries of these areas have been approximately established. One of them occurs in Africa and extends from Senegal in West Africa to the upper reaches of the Nile. The other occurs in South America, and occupies practically the whole of the Amazon Valley, reaching for short distances into other watersheds.

It has come to be recognized that yellow fever may exist not only in a mild and almost unrecognizable form, but also in forms not associated with its recognized carrier, the stegomyia mosquito. The disease is transmitted and perpetuated in certain endemic areas by vectors different from the single one (stegomyia mosquito) encountered in Habana, Panama, and epidemic cities in general. Within these endemic areas, large parts of which are covered by jungle, there occurs a type of jungle yellow fever not carried by that mosquito and, therefore, offering to the scientific investigator new and as yet unsolved problems.

Medical Sciences

The total amount appropriated during the year for work in the medical sciences was \$1,026,200. Aid of four types was given for the advancement of psychiatry: grants to universities and other institutions for the development of research and teaching in psychiatry and associated subjects; endowment and building funds for establishing psychiatric departments; research aid grants to individual workers engaged in important investigations in mental diseases; and fellowships to enable men and women especially qualified for work in this field to obtain desirable advanced training.

Grants for work in psychiatry were made to McGill University for research and teaching; to the Massachusetts Department of Mental Diseases for studies in psychiatry at the Boston State Hospital; to the Worcester State Hospital, Massachusetts, for research on dementia praecox; to the Johns Hopkins University, for the development of child psychiatry in the Pediatric Clinic; to the University of Leiden, for child psychiatry; to the Chicago Area Project, for the study, treatment, and prevention of juvenile delinquency within a few selected areas in Chicago; to the University of Rochester, for the Child-Guidance Clinic; to the National Committee for Mental Hygiene, toward support of its general expenses during 1935; to the University of Colorado, for the teaching of psychiatry in the Medical School; to the University of Michigan and the Institute of the Pennsylvania Hospital, for the development of teaching and research in psychiatry.

For work in neurology and related subjects, gifts were made to New York University, to Northwestern University Medical School, the University of Pennsylvania, the Walter and Eliza Hall Institute of Research in Pathology and Medicine, Melbourne, Australia; Dartmouth College, and the Lister Institute of Preventive Medicine, London.

Natural Sciences

In the field of the natural sciences, appropriations made during 1934 amounted to \$1,051,210. The program called for specific concentration in the fields of experimental and physicochemical biology. . . .

Social Sciences

The social science program for 1934 involved appropriations amounting to \$1,164,690. . . .

In addition to the program in the social sciences mentioned above, appropriations amounting to \$525,500 were made in connection with emergency grants in support of (1) studies providing for concurrent recording and appraisal of procedures in important sections of the Federal Government's recovery, relief and reconstruction programs; and (2) undertakings providing collaboration on the part of private agencies with programs, new in type or scale, of federal, state, and local governments.

The Humanities

During 1934 the Foundation's appropriations in the field of the humanities totaled \$749,500. The program of specific concentration confined itself to two fields of operation: the improvement of international understanding through cultural interchange, and the preservation and interpretation of American cultural traditions. . . .

Toward the preservation and interpretation of American cultural traditions the Foundation appropriated funds to the American Council of Learned Societies for its *Dictionary of American Biography*, and to the University of Chicago for the preparation of the *Historical Dictionary of American English*. The Library of Congress received an additional grant of \$20,000 for the collection of photographic copies of source materials for American history from national archives and various European libraries. The Virginia Historical Society also received supplementary funds for the preparation of its *Virginia Historical Index*. In the field of dramatic art, grants were made to Yale University and the State University of Iowa. Studies in Hispanic-American culture were financed at the universities of Texas and New Mexico and additional funds were provided for interpretive studies of Indian art at the Laboratory of Anthropology, in Santa Fe.

PUBLIC EASY MARK NO. 1*

On Certain Collection(?) Agencies

By E. JEROME ELLISON AND FRANK W. BROCK

"Read before you sign—and keep a copy," is an important business slogan devised by Better Business Bureaus. This is predicated, of course, on a thorough understanding of *what you sign*.

If you have had an experience similar to any of those reported in the following article, please send me the details.—Edward L. Greene, General Manager, National Better Business Bureau, Inc., 135 East Forty-second Street, New York City.

From Bad Debts to Worse.—The stalwart American business man, traditionally a "pillar of society," is also the principal supporting member of a national structure of rackets. To the sharpening underworld, he is Public Easy Mark No. 1. The three rackets extracting the greatest sums from business men are the Collection, Credit and Customer rackets, which often operate "within the law."

When one of the glib salesmen for an "Account Purchasing Company" offers ready cash and freedom from collection worries to a business man who has a large accumulation of accounts receivable, the groundwork of the collection racket is being laid. When the creditor signs the salesman's contract, the grip of the racket has tightened. And several months later, when the "collection agency" submits its statement, the creditor will realize for the first time that he is trapped—that instead of receiving any cash, he *owes* it. And the agency is adhering strictly to the terms of the contract their creditor victim signed.

The Clause with the Claws.—We must look to the contract, then, for the "catch." In the first place, the victim is not always aware that he is signing a contract at all—he is often asked to sign merely an "application" or a "listing sheet." Even when he does sign a contract as such, the catch phrases are so artfully worded, typographically obscure and veneered over by the patter of the salesman, that he might easily skim through it without finding anything amiss. As an example there's one contract trick that is currently very much in vogue. Suppose you turn over 100 past-due accounts to an agency for collection. Then suppose the agency collects a debt of \$50 due you. You will receive this statement:

One hundred service charges at 60 cents.....	\$60.00
Less collections received by us.....	50.00
Balance Due Us.....	\$10.00

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